

Overview of the 2013 Solvent- Contaminated Wipes Final Rule

Iowa Strategic Goals Program Workshop
Ankeny, Iowa
April 29, 2014

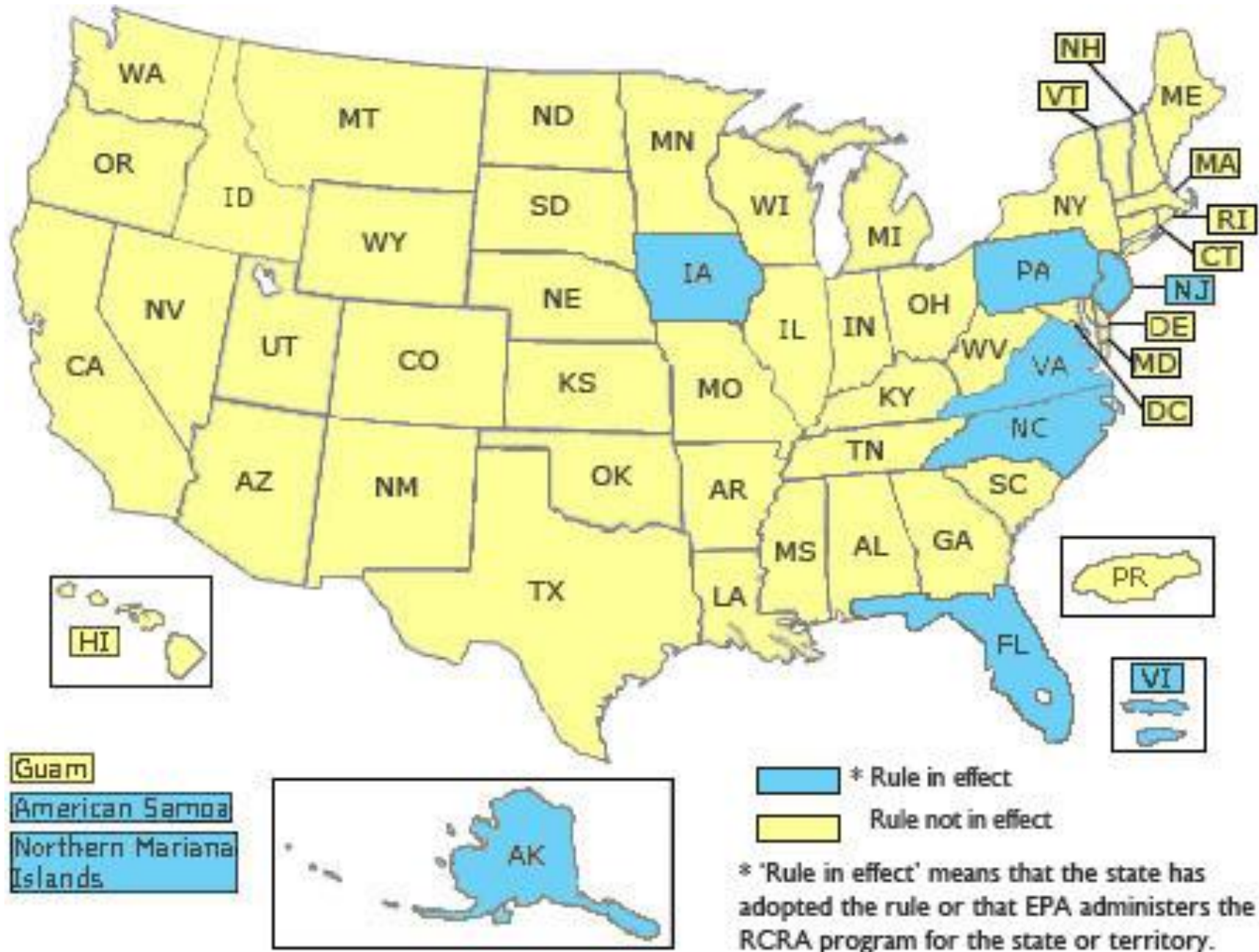
- **The final rule was published by the EPA on July 31, 2013, which modified the RCRA hazardous waste regulations for solvent-contaminated wipes. (*78 FR 46448*)**
- **The purpose of the final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry.**
- **The rule supersedes the 1994 Shapiro memo which allowed states and Regions to make determinations regarding management of solvent-contaminated wipes.**

- **Specifically, the rule includes:**
 - **A conditional exclusion from the definition of solid waste for solvent-contaminated wipes sent for cleaning (“reusable wipes”) – *40 CFR 261.4(a)(26)***
 - and***
 - **A conditional exclusion from the definition of hazardous waste for solvent-contaminated wipes sent for disposal (“disposable wipes”) – *40 CFR 261.4(b)(18)***

- **Published on July 31, 2013 and became effective on January 31, 2014.**
- **Exclusion—Because the rule excludes solvent-contaminated wipes from RCRA hazardous waste regulation, it is less stringent than the base federal program.**

- **Authorized States—Have the option to adopt exclusions into their regulations. (States operating under policies that are less stringent than the federal exclusions will need to incorporate the federal rule into their regulations.)**
- **Currently effective in a number of states (including Iowa and Alaska) and territories that are not authorized. This also includes tribal lands.**

Where is this rule effective?



1980s – EPA received petitions from industry who stated that the hazardous waste regulations were too stringent for solvent-contaminated wipes based on the risks they pose.

1994 – EPA developed a policy that deferred determinations to authorized states and EPA regions. (*RO 11813*)

- 2003 – EPA published a proposed rule to conditionally exclude reusable wipes and disposable wipes from hazardous waste regulation. (*68 FR 65586*)**
- 2009 – EPA published a Notice on Data Availability (NODA) requesting comment on a revised risk analysis for the rule. (*74 FR 55163*)**

● Risk Analysis

- Published with the final rule
- Demonstrated that 19 of the 20 listed solvents do not pose significant risk when disposed in a landfill with a composite liner
- Trichloroethylene (TCE), was found to exceed target risk criteria for disposal in a landfill with a composite liner
- Solvent-contaminated wipes that are hazardous due to the presence of TCE are not eligible (if going to the landfill)

- **Final Rule Definitions—Provided in *40 CFR 260.10***
 - ***Wipe*—a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.**

- **Final Rule Definitions—Provided in *40 CFR 260.10***
 - *Solvent-contaminated wipe*—a wipe that, after use or after cleaning up a spill, either:
 - Contains one or more of the F001 through F005 solvents;
 - Exhibits a hazardous characteristic when that characteristic results from a listed solvent; or
 - Exhibits only the hazardous waste characteristic of ignitability due to the presence of solvents that are not listed.

- **Final Rule Definitions—Provided in *40 CFR 260.10***

- *Solvent-contaminated wipe*

- Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions.

- **Solvent-Contaminated Reusable Wipes**
 - Excluded from solid waste rules (*40 CFR 261.4(a)(26)*)
 - Reusable wipes sent offsite for cleaning and reuse are not solid wastes provided that conditions are met
- **Solvent-Contaminated Disposable Wipes**
 - Excluded from hazardous waste rules (*40 CFR 261.4(b)(18)*)
 - Wipes sent offsite for disposal are not hazardous wastes provided that conditions are met

- Wipes contaminated by the following solvents:
 - F-listed hazardous waste solvents (F001, F002, F003, F004, and F005) as described in *40 CFR 261.31*
 - P-listed and U-listed solvents (*40 CFR 261.33*)
- Wipes that exhibit a characteristic resulting from a solvent
- Wipes that exhibit only the ignitable characteristic from one or more non-listed solvent

- **Includes the following solvents:**

- **Acetone**
- **Benzene**
- **n-Butanol**
- **Chlorobenzene**
- **Creosols**
- **Cyclohexane**
- **1,2-Dichlorobenzene**
- **Ethyl acetate**
- **Ethyl benzene**
- **2-Ethoxyethanol**

- **Includes the following solvents (cont.):**
 - **Isobutyl alcohol**
 - **Methanol**
 - **Methyl ethyl ketone (MEK)**
 - **Methyl isobutyl ketone (MIK)**
 - **Methylene chloride**
 - **Tetrachloroethylene (PCE)**
 - **Toluene**
 - **1,1,2-Trichloroethane**
 - **Trichloroethylene (reusable wipes only)**
 - **Xylenes**

- **Does not include:**

- **Reusable wipes that contain listed hazardous wastes other than solvents**
- **Reusable wipes that exhibit the characteristic of toxicity, corrosivity (D002), or reactivity (D003) due to non-listed solvents or contaminants other than solvents**

- **Does not include:**

- **Disposable wipes that contain listed hazardous wastes other than solvents**
- **Disposable wipes that exhibit the characteristic of toxicity, corrosivity (D002), or reactivity (D003) due to non-listed solvents or contaminants other than solvents**
- **Disposable wipes that are hazardous waste due to the presence of trichloroethylene**

- **Wipes must be:**

- **Accumulated, stored, and transported in non-leaking closed containers that can contain free liquids, should they occur**
- **Containers labeled as, “Excluded Solvent-Contaminated Wipes”**
- **Accumulated less than 180 days from the start date of accumulation prior to cleaning or disposal**

- **Generators must maintain the following documentation at the facility:**
 - **Name and address of the laundry, dry cleaner, landfill or combustor**
 - **Documentation that the 180-day accumulation time limit is being met**
 - **A description of the process used by the generator to meet the “no free liquids” condition**

- **The Generator must monitor the condition of the wipes prior to transport:**
 - Wipes and the container must contain no free liquids prior to shipping for cleaning or disposal
 - The “no free liquids” condition is defined at ***40 CFR 260.10***, based on the Paint Filter Liquids Test (EPA Method 9095B) or other authorized state standard

- **Free Liquids**—Any free liquids removed from the wipes and/or container must be managed in accordance with the hazardous waste requirements found at *40 CFR Parts 260 through 273*

- **Reusable Wipes**—Must go to a laundry or dry cleaner whose discharge is regulated under the Clean Water Act (Sections 301 and 402, or Section 307)

● Disposable Wipes

- Must go to a combustor regulated under Clean Air Act Section 129, or to a hazardous waste combustor, boiler, or industrial furnace regulated under *40 CFR 264, 265, or 266 Part H*
- Must go to a municipal solid waste landfill regulated under *40 CFR Part 258* (including *40 CFR 258.40*) or to a hazardous waste landfill regulated under *40 CFR 264 or 265*

- **Must be stored in non-leaking, closed containers**
- **Containers must be able to contain free liquids should they occur**
- **Containers must be labeled with the words, “Excluded Solvent-Contaminated Wipes”**

- **Free Liquids Management at Handling Facilities**—Free liquids removed from wipes and/or containers holding the wipes must be managed in accordance with the applicable hazardous waste regulations found at *40 CFR Part 260* through *Part 273*

- **According to the Iowa Department of Natural Resources, facilities that are generating disposable solvent-contaminated wipes are not allowed to dispose this waste stream into Iowa's Subtitle D municipal solid waste landfills**
- **Facilities managing disposable solvent-contaminated wipes may send these wipes to a hazardous waste disposal facility**

- **Under the Rule, solvent-contaminated wipes are not hazardous wastes. So, the wastes generated do not count toward the facility's generator status**
- **Some other requirements of RCRA are decreased under the Rule:**
 - **Inspections**
 - **Labeling/dating**

- **For more information on this rulemaking, go to:**
<http://www.epa.gov/epawaste/hazard/wastetypes/wasteid/solvents/wipes.htm>
- **Contact:**
Kevin Snowden
snowden.kevin@epa.gov
913-551-7022